AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of claims

1. (Previously presented) A composition comprising a first nucleic acid construct comprising a first gene encoding an antitumor agent whose expression is controlled by a first promoter whose function is suppressed by a wild-type p53 allele in non-tumor cells relative to tumor cells in which wild-type p53 tumor suppressor function is abrogated, and a second nucleic acid construct comprising a second gene whose gene product suppresses expression of said first gene, wherein the expression of said second gene is controlled by a second promoter that comprises a p53 binding site and is up-regulated in non-tumor cells relative to tumor cells in which wild-type p53 tumor suppressor function is abrogated, such that said first gene is expressed in tumor cells and suppressed in non-tumor cells.

2. (Previously presented) The composition according to claim 1 wherein said second gene of said second nucleic acid construct encodes an antisense RNA transcript complementary to a sequence within mRNA encoded by said first gene of said first nucleic acid construct.

3. (Previously presented) The composition according to claim 1 wherein said second gene of said second nucleic acid construct encodes a ribozyme specific for a sequence within mRNA encoded by said first gene of said first nucleic acid construct.

4. (Previously presented) The composition according to claim 1 wherein said second gene of said second nucleic acid construct encodes a sequence-specific transcriptional suppressor and said first nucleic acid construct comprises a binding site recognized by said sequence-specific transcriptional suppressor.

5. (Previously presented) The composition according to claim 4 wherein said sequence-specific transcriptional suppressor is a *lac* operator suppressor.

6. (Previously presented) The composition according to claim 4 wherein said sequence-specific transcriptional suppressor comprises a *tet* repressor DNA-binding domain and a transcriptional suppression domain of the *Drosphilia* KRAB transcription factor.

7. (Previously presented) The composition according to claim 4 wherein said sequence-specific transcriptional suppressor comprises a Gal-4 DNA-binding domain and a transcriptional suppression domain of the *Drosphilia even-skipped* transcription factor.

8. (Previously presented) The composition according to claim 1 wherein said first nucleic acid construct and said second nucleic acid construct are each on separate nucleic acid vectors.

9. (Previously presented) The composition according to claim 1 wherein said first nucleic acid construct and said second nucleic acid construct are on a single nucleic acid vector.

10. (Previously presented) The composition according to claim 9 comprising an insulator sequence between said first nucleic acid construct and said second nucleic acid construct.

11. (Previously presented) The composition according to claim 10 wherein said nucleic acid vector is a viral vector.

12. (Currently Amended) The composition according to claim 1 wherein said second promoter of said second nucleic acid construct comprises a p53 binding site having the consensus sequence 5'-PuPuPuC(A/T)(A/T)GPYPYPY-3' (SEQ ID NO: 1).

13. (Previously presented) The composition according to claim 12 wherein said second nucleic acid construct comprises said p53 binding site sequence downstream of a TATA Box

and downstream of the transcriptional start site of said second promoter of said second nucleic acid construct.

14. (Canceled)

15. (Previously presented) The composition according to claim 1 wherein said first promoter is the HSP70 promoter.

16. (Canceled)

17. (Canceled)

18. (Previously presented) The composition according to claim 1, wherein said antitumour agent is a pro-drug activating enzyme.

19. (Previously presented) The composition according to claim 18, wherein said pro-drug activating enzyme is a thymidine kinase.

20. (Previously presented) A cell containing a first nucleic acid construct and a second nucleic acid construct of a composition according to claim 1.

21. (Previously presented) The cell according to claim 20 which is a tumor cell.

22. (Previously presented) A method of controlling the proliferation of a tumor cell comprising introduction of a first nucleic acid construct and a second nucleic acid construct of the composition according to claim 1 into the cell in vitro.

23. (Cancelled)

24. (Cancelled)

25. (Previously presented) The composition of claim 1, wherein said first promoter is selected from the group consisting of the HSP70 promoter, the Bcl-2 promoter, the PCNA promoter, the MDR1 promoter, the CMV promoter and the $p16^{INK4}$ promoter.